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The Pitney Bowes Bank, Inc., and Wheeler
Financial from Pitney Bowes Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PACIFIC OFFICE AUTOMATION, INC., an
Oregon corporation,

Plaintiff,

v.

PITNEY BOWES, INC., a Delaware
corporation; PITNEY BOWES GLOBAL
FINANCIAL SERVICES, LLC, a Delaware
limited liability company; THE PITNEY
BOWES BANK, INC., a federal banking
institution; WHEELER FINANCIAL FROM
PITNEY BOWES, INC., a Delaware corp.;

Defendants.

Case No. 3:20-cv-00651-AR

**DEFENDANTS' UNOPPOSED
MOTION FOR ENTRY OF A
STIPULATED ORDER RESOLVING
DEFENDANTS' THIRD MOTION TO
COMPEL (AS MODIFIED) AND
FOURTH MOTION TO COMPEL**

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L.R. 7-1 CERTIFICATION

Pursuant to L.R. 7-1, the undersigned counsel for Defendants certifies that he and Plaintiff's counsel have conferred and that they stipulated to entry to the Order attached to this Motion which this Motion asks the Court to enter.

MOTION

Defendants move the Court for entry of the Stipulated Order attached hereto as Exhibit A.

MEMORANDUM

The attached Stipulated Order resolves, at least for the time being, Defendants' Third Motion to Compel as Modified (*see* ECF Nos. 71 and 100) and Fourth Motion to Compel (*see* ECF No. 102), without the need for further involvement of the Court, at least at this time. The attached Stipulated Order also enables the parties to implement an earlier agreement regarding the intervals that would occur between certain events, with implementation meaning that the parties can now provide exact dates for those events, which will be the subject of separate motion filed shortly hereafter.

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This Motion is unopposed, and, therefore, Defendants respectfully request that the Court enter the Stipulated Order attached hereto as Exhibit A.

DATED: April 22, 2022

K&L GATES LLP

BY: s/ Philip S. Van Der Weele
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Attorneys for Defendants Pitney Bowes Inc., Pitney Bowes Global Financial Services LLC, The Pitney Bowes Bank, Inc., and Wheeler Financial from Pitney Bowes Inc.

EXHIBIT A

[EXHIBIT A]

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PACIFIC OFFICE AUTOMATION INC.,
an Oregon corporation,

Plaintiff,

v.

PITNEY BOWES INC., a Delaware
corporation; PITNEY BOWES GLOBAL
FINANCIAL SERVICES LLC, a Delaware
limited liability company; THE PITNEY
BOWES BANK, INC., a federal banking
institution; and WHEELER FINANCIAL
FROM PITNEY BOWES INC., a Delaware
corporation,

Defendants.

Case No. 3:20-cv-00651-AR

**STIPULATED ORDER RESOLVING
DEFENDANTS' THIRD MOTION TO
COMPEL (AS MODIFIED) AND
FOURTH MOTION TO COMPEL**

STIPULATION

The undersigned counsel of record for the parties do hereby stipulate and agree as follows:

1. Defendants' Third Motion to Compel (EFC No. 71), as modified by Defendants' Request for Hearing on Motion to Compel (ECF No. 100), is granted.
2. Defendants' Fourth Motion to Compel (ECF No. 102) is granted.

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3. Defendants' Requests for Attorneys Fees' in connection with those motions will be handled as follows:

a. If Plaintiff produces all outstanding documents and information committed to related to the Third Motion to Compel (as modified) and the Fourth Motion to Compel by May 22, 2022, then Defendants will defer seeking attorneys fees for the Third and Fourth Motions to Compel until the end of the case. Defendants reserve all rights to seek attorneys fees, and Plaintiff reserves all rights to object to attorneys fees.

b. If Plaintiff does not produce all outstanding documents and information related to the Third Motion to Compel (as modified) and Fourth Motion to Compel by May 22, 2022 (subject to agreed-to exceptions for missing documents whose responsiveness became apparent only as a result of documents and information Plaintiff produced by May 22, 2022), then Defendants shall be entitled to immediately file an application for their attorneys fees against Plaintiff and Manolio & Firestone PLC, jointly and severally, in connection with the Third Motion to Compel (both the original and the modified versions) and the Fourth Motion to Compel, and for the preparation of the application for attorneys fees. In connection with that application, Plaintiff and Manolio & Firestone PLC waive any objection to Defendants' entitlement to attorneys fees under FRCP 37(a)(5)(A), but Plaintiff and Manolio & Firestone PLC reserve their right to object to the amount of attorneys fees.

Stipulated to:

MANOLIO & FIRESTONE, PLC

K&L GATES LLP

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Attorneys for Defendants

ORDER

Based on the Stipulation of the Parties, the foregoing is **SO ORDERED**.

Dated: _____ United States Magistrate Judge Jeffrey J. Armistead

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2022, I caused to be served a copy of the foregoing upon all counsel of record via the Court's CM/ECF electronic service system.

s/ Philip S. Van Der Weele

Philip S. Van Der Weele, OSB #863650